



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0796

Introduced 02/02/05, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3.4 new

Amends the Criminal Code of 1961. Creates the offense of vehicular homicide. Provides that a person commits the offense if he or she unintentionally kills an individual or an unborn child while operating or in actual physical control of a motor vehicle, motorcycle, snowmobile or watercraft, if the death is the proximate result of committing a violation of the Illinois Vehicle Code, Boat Registration and Safety Act, Wildlife Code, Fish and Aquatic Life Code, or Snowmobile Registration and Safety Act. Provides that a violation is a Class A misdemeanor. Provides that if either the driver or operator is not legally empowered to be driving or operating the vehicle, motorcycle, snowmobile, or watercraft or if the vehicle, motorcycle, snowmobile, or watercraft is operated illegally, the penalty is a Class 4 felony. Provides that a second or subsequent conviction is a Class 4 felony. Effective immediately.

LRB094 03655 RLC 33660 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 9-3.4 as follows:

6 (720 ILCS 5/9-3.4 new)

7 Sec. 9-3.4. Vehicular homicide.

8 (a) A person who unintentionally kills an individual or an
9 unborn child while operating or in actual physical control of a
10 motor vehicle, motorcycle, snowmobile, or watercraft commits
11 vehicular homicide if the death is the proximate result of
12 committing a violation of the Illinois Vehicle Code, Boat
13 Registration and Safety Act, Wildlife Code, Fish and Aquatic
14 Life Code, or Snowmobile Registration and Safety Act.

15 (b) Sentence.

16 (1) A person convicted of a violation of subsection (a)
17 of this Section is guilty of a Class A misdemeanor except
18 as otherwise provided in this Section.

19 (2) A person convicted of a violation of subsection (a)
20 of this Section who is operating or in actual physical
21 control of a vehicle, motorcycle, snowmobile, or
22 watercraft if either the driver or operator is not legally
23 empowered to be driving or operating the vehicle,
24 motorcycle, snowmobile, or watercraft or if the vehicle,
25 motorcycle, snowmobile, or watercraft is operated
26 illegally is guilty of a Class 4 felony.

27 (3) A second or subsequent conviction of subsection (a)
28 of this Section is a Class 4 felony.

29 Section 99. Effective date. This Act takes effect upon
30 becoming law.